

No. CIV-05-684-W

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT. WESTERN DIST. OF OKLA.
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On June 20, 2005, Helt filed a second Motion for Leave to Proceed in Forma Pauperis. This motion contained the identical deficiencies as the previously filed motion.

On July 13, 2005, Magistrate Judge Couch not only reminded Helt that he had failed to comply with her Order of June 16, 2005, but also sua sponte granted Helt additional time to submit the missing information and signature. Helt was again advised that he failure to act could result in dismissal of the lawsuit.

The docket reflects no further action by Helt, and on August 19, 2005, Magistrate Judge Couch issued a Report and Recommendation and recommended that the Court dismiss this matter due to Helt's failure to comply with her previous Orders. Helt was advised of his right to object to the Report and Recommendation, and in response, he submitted a letter to the Clerk of the Court, in which he reported that he had sent Magistrate Judge Couch's Orders to Bert Richard, an attorney who represents him in a pending state court criminal proceeding. State v. Helt, No. CF-2004-660. See, e.g., State v. Helt, No. CF-2003-4647.

Upon de novo review of the record, the Court finds Helt has had ample time to comply with Magistrate Judge Couch's Orders and to cure the deficiencies she noted. The Court further finds Helt was sufficiently cautioned about the consequences of his failure to act in a timely manner.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on August 19, 2005; and
- (2) DISMISSES without prejudice the complaint filed in this matter on June 16, 2005.

ENTERED this 14th day of September, 2005.


LEE R. WEST
UNITED STATES DISTRICT JUDGE